

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff,

Plaintiff,

v.

BANQUE SYZ & CO., SA,

Defendant.

Adv. Pro. No. 11-02149 (CGM)

**ORDER DENYING BANQUE SYZ & CO., SA'S MOTION TO DISMISS
THE COMPLAINT UNDER BANKRUPTCY RULE 7012(b) AND
FEDERAL RULE OF CIVIL PROCEDURE 12(b)(2) AND 12(b)(6)**

Defendant Banque SYZ & Co., SA's motion to dismiss the Complaint under Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) and Federal Rule of Bankruptcy Procedure 7012 (the "**Motion**") came on for hearing before the Court on May 18, 2022 (the "**Hearing**"). The Court has considered the Motion, the papers filed in support of and in opposition to the Motion, the

Complaint, and the statements of counsel at the Hearing, and the Court has issued a memorandum decision, dated June 14, 2022, regarding the Motion (the “**Decision**”). Based on the record in this adversary proceeding, including the Decision, IT IS ORDERED:

1. The Motion to dismiss the Complaint is denied.
2. The deadline for Banque SYZ & Co., SA to file an answer to the Complaint is August 15, 2022.
3. The Court shall retain jurisdiction to implement or enforce this Order.

Dated: June 27, 2022
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge